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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,375	07/18/2003	Leif Johannsen	45900-000748/US	4046

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EXAMINER	
DABNEY, PHYLESHA LARVINIA	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/621,375	JOHANNSEN ET AL.	
	Examiner	Art Unit	
	Phylesha L. Dabney	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/28/06/*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *92-107* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *102-107* is/are rejected.

7)☒ Claim(s) *92-101 and 105* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the response to election requirement received on 27 February 2006 in which claims 1-91 were cancelled, and claims 92-107 were newly added.

Claim Objections

1. Claims **92-101** are objected to because of the following informalities: in the second line, there is the language "*so to* establish". This passage would probably read better if it were replaced by --establishing-- or --providing--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims **94** and **105** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 94 and 105, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). In the response dated 28 August 2006, there was an indication that the Applicant intended to correct these claims; however, upon review, the claims had not been changed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **102-107** are rejected under 35 U.S.C. 102(e) as being anticipated by van Halteren et al (U.S. Patent No. 6,931,140).

The applied reference has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding 102, van Halteren teaches an electroacoustic transducer coil system comprising a substantially flat fastening portion (35) for fastening the coil system to a diaphragm, and at least two gap portions (34) outside the fastening plane, each gap portion comprising a plurality of electrically conducting segments being substantially parallel to the fastening portion, wherein the gap portions of the coil system are adapted to conduct electrical current in the same direction (col. 4 lines 61-65), and wherein the gap portions are adapted for being positioned, in operation, in respective magnetic gaps (col. 6 lines 12-62).

Regarding claim 103, van Halteren teaches the coil system according to claim 102, comprising two substantially similar coils (2, 12) each having a gap portion positioned in respective ones of the gaps.

Regarding claim 104, van Halteren teaches the coil system according to claim 102, wherein the gap portions of the coils are substantially perpendicular to their fastening portions col. 6 lines 32-42).

Regarding claim 105, van Halteren teaches the coil system according to claim 102, wherein the coil is formed by electrically conducting paths formed on a flexible circuit board, such as a flexprint (col. 6 lines 63-65).

Regarding claim 106, van Halteren teaches the coil system according to claim 105, further comprising electronic means (terminals; 6-9) mounted on the flexible circuit board.

Regarding claim 107, van Halteren teaches the coil system according to claim 102, comprising a single twisted substantially flat coil (col. 6 lines 32-42).

Response to Arguments

4. Applicant's arguments with respect to claims **92-101** have been fully considered and are persuasive. The rejection of claims 92-101 has been withdrawn.

5. In response to applicant's argument pertaining to claims **102-107** that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a magnet arranged so that each of its magnetic poles defines a surface of respective ones of the first and second gaps *taken from independent claim 92*) are not recited in the rejected claim 102. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. With respect to the Applicant argues that van Halteren does not teach *a magnetic field in each of the first and second gaps, the magnetic fields having the same polarity*, the Examiner disagrees. van Halteren teaches two magnetic gaps (figure 5) and the magnetic field having the same polarity (col. 4 lines 61-65).

Allowable Subject Matter

Claims **92-93,** and **95-101** would be allowable once the minor claim objection relative to the language used in independent claim 92 is addressed.

Furthermore, the prior art of record fails to teach an electroacoustic transducer having a first and second magnetic field gap; a coil system with at least one coil with electrical conductive paths connected to a diaphragm and further extending into the first and second gaps; wherein a magnet is arranged so that each of its magnetic poles define a surface of respective ones of the first and second gaps and the magnetic field in both gaps flow in the same direction, as substantially described and connected with the other functional language of claims **92-93,** and **95-101**.

Claims **94** and **105** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, reiterated in this Office action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 2, 2006
PLD

CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER